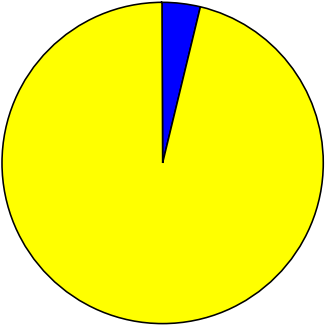


Circuit Court and Records

80-09-Probate

Fund/Agency: 001/80		Circuit Court and Records
Personnel Services	\$274,194	<p style="text-align: center;">CAPS Percentage of Agency Total</p>  <p style="text-align: center;">3.8%</p> <p style="text-align: center;">96.2%</p> <p style="text-align: center;">■ Probate ■ All Other Agency CAPS</p>
Operating Expenses	\$56,495	
Recovered Costs	\$0	
Capital Equipment	\$0	
Total CAPS Cost:	\$330,689	
Federal Revenue	\$0	
State Revenue	\$0	
User Fee Revenue	\$0	
Other Revenue	\$0	
Total Revenue:	\$0	
Net CAPS Cost:	\$330,689	
Positions/SYE involved in the delivery of this CAPS	7/7	

► CAPS Summary

The Probate Section is responsible for all Fiduciary matters. This includes the probate and administration of estates whether testate or intestate (with or without a will), the appointment of guardians and conservators over minors or incapacitated adults and the filing of wills for safekeeping.

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► Method of Service Provision

Merit employees comprise the staffing of this section. Public Service, Civil Intake and Probate all fall under the category of 'Public Service' and have the same supervisory staff. However, each unit has distinct responsibilities and mandates. In Virginia, unlike most states, Probate is administrative in nature. Over 95 percent of the probate cases are handled by Clerk's staff without the necessity of a Judge.

Fiduciary matters include the probating of a will, appointment of executors, administrators, curators, guardianship and conservatorship. An appointment of a Fiduciary is the Clerk appointing someone in a position of trust with respect to another's property. In both testate (with a will) or intestate (without a will) cases, staff must interpret and apply Virginia statutes relating to Probate matters, in order to make specific legal determinations. Staff also uses Opinions of the Attorney General for guidance. Appropriate information must be available in order to disseminate the proper paper work for the documents to be recorded with the Will and the Fiduciary Book.

For Guardianship and Conservator matters, the jurisdiction determination must be made and once again Virginia Code sections and Attorney General Opinions are referenced. In these matters the court enters an order appointing as such and sets an appropriate bond. The clerk must determine, based on the information provided, if the bond set by the court is sufficient. The clerks do this to protect the liability of the Judge. In accordance with the statute, all orders appointing a Guardian and or Conservator must be processed for recordation in the Will and Fiduciary Book.

The clerks are responsible for processing all Inventory, Accounting, Debts and Demand Reports, exceptions to the commissioners report, filed in testate, intestate and guardianship matters within the statutory time frame. After processing they are recorded in the Wills and Fiduciary Book. If exceptions are filed, accountings must be retrieved and not put on record until the court makes a ruling on the exceptions report.

► Performance/Workload Related Data

No data is available.

Circuit Court and Records

► **Mandate Information**

This CAPS is Federally or State mandated. The percentage of this CAPS' resources utilized to satisfy the mandate is 76 - 100%. The specific Federal or State code and a brief description of the code follows:

- Code of Virginia 64.1-45 to 64.196.1 Probate of Wills
- Code of Virginia 58.1-3805 to 58.13808; 58.1-1711to 58.11718 Probate Tax
- Code of Virginia 37.1-134.6 to 37.1147 Guardianship and Conservatorship
- Code of Virginia 31-2, 31-3, 31-631-7,8.01-9 Testamentary Guardian
- Code of Virginia 26-4,26-46,17-53,17-55,17.1-217,17.1-219 Clerk's Authority
- Code of Virginia Attorney General Opinions, Title 64.1- Wills & Decedents Estates generally, Title 26-Fiduciary generally, Title 31-Guardian & Ward, Title 37.1-Mental Health generally